In the High Court of Judicature at Madras

Dated: 29.11.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.10681 of 2002
and WPMP.No.14398 of 2002

Narayana Guruviah Chetty's
Estate and Charities
rep.by its Honorary Secretary
V.Sethuram,
No.49, Varadamuthiappan Street,
Chennai-600 001. ..Petitioner

..vs..

1. State of Tamil Nadu,
   rep.by Secretary to Government
   Housing & Urban Development Department,
   Fort St.George,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   No.1, Gandhi Irwin Road,
   Egmore, Chennai-600 008. ..Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration, to declare that the provisions of Rule 19(b)(III)-(B) of Development Control Rules and Rule 13 of the Special Rules for Multi-storied Buildings as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of security deposit for the proposed development and consequently direct the respondents to issue planning permission for residential flats at Door Nos.54 to 56, Wallajah Road, Chennai, without insisting on security deposit as contained in Lr.No.C3/23233/2001 dated 14.03.2002 of the 2nd respondent.

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For Petitioner : Mr.K.Venkatasubramanian

For Respondents : Mr.A.Edwin Prabhakar,
Govt.Advocate for R1

Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

Learned counsel for the petitioner seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioner is free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs. Consequently, connected WPMP.is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government,
Housing & Urban Development Department,
Chennai-600 009.

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
No.1, Gandhi Irwin Road,Chennai-600 008.

1 cc to Mr.J.Ravindran, Advocate, sr. 58477

Writ Petition No.10681 of 2002

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